

Exhibit 29

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INTERNATIONAL COURT OF JUSTICE

**LEGAL CONSEQUENCES OF THE CONSTRUCTION
OF A WALL IN THE OCCUPIED PALESTINIAN
TERRITORY**

(REQUEST FOR AN ADVISORY OPINION)

WRITTEN STATEMENT

SUBMITTED BY

PALESTINE

30 JANUARY 2004

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- 7) **Annex 7** Human Rights Committee, Concluding Observations of the Human Rights Committee: Israel, 18 August 1998, CCPR/C/79/Add.93
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- 10) **Annex 10** Commission on Human Rights, Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine, Report of the human rights inquiry commission established pursuant to Commission resolution S-5/1 of 19 October 2000, E/CN.4/2001/121, 16 March 2001
- 11) **Annex 11** International Committee of the Red Cross, Statement to the Conference of High Contracting Parties to the Fourth Geneva Convention, Geneva, 5 December 2001, International Review of the Red Cross, vol. 84, No. 847, September 2002, pp. 692-695
- 12) **Annex 12** B'Tselem (The Israeli Information Centre for Human Rights in the Occupied Territories), Land Grab. Israel's Settlement Policy in the West Bank, May 2002
- 13) **Annex 13** B'Tselem (The Israeli Information Centre for Human Rights in the Occupied Territories), Behind the Barrier: Human Rights Violations as a result of Israel's Separation Barrier, April 2003, www.btselem.org/Download/2003_Behind_The_Barrier_Eng.doc
- 14) **Annex 14** Ms. Catherine Bertini, Personal Humanitarian Envoy of the Secretary-General, Mission Report, 11-19 August 2002, http://domino.un.org/bertini_rpt.htm

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PART A. INTRODUCTION AND COMPETENCE

Chapter I. INTRODUCTION

1. This Written Statement is filed in accordance with the Order of the Court dated 19 December 2003 in response to the United Nations General Assembly's request for an advisory opinion on the legal consequences of the construction of a Wall in the Occupied Palestinian Territory. This introductory chapter examines the terms of the Request, discusses its scope and outlines the structure of this Written Statement.

(1) The Terms of the Request

2. The request was made by the United Nations General Assembly in Resolution A/ES-10/14 of 8 December 2003. In that resolution, the General Assembly decided, pursuant to Article 96, paragraph 1, of the United Nations Charter, to request the International Court of Justice to give an urgent advisory opinion on the following question:

“What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?”

3. The Request was transmitted to the Court by the United Nations Secretary-General in a letter dated 8 December 2003.¹

Minister, letters of Mutual Recognition by the PLO and Israel.⁷⁰ The Declaration of Principles on Interim Self-Government Agreements of 13 September 1993,⁷¹ Agreement on the Gaza Strip and the Jericho Area of 4 May 1994,⁷² Agreement on Preparatory Transfer of Powers and Responsibilities of 29 August 1994,⁷³ Protocol on Further Transfer of Powers and Responsibilities of 27 August 1995,⁷⁴ the Israeli – Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,⁷⁵ Protocol Concerning the Redeployment in Hebron of 17 January 1997,⁷⁶ Sharm El-Sheikh Memorandum of 4 September 1999,⁷⁷ Protocol Concerning Safe Passage between the West Bank and the Gaza Strip of 5 October 1999⁷⁸, and subsequent arrangements, were all signed and executed by the State of Israel and the PLO.

(5) The Palestinian Authority

118. Following the signing of the Declaration of Principles, the Palestine Central Council, acting on behalf of the PNC, convened in Tunis on 10-11 October 1993. In that meeting, the Council endorsed the Oslo Agreement and resolved to establish the Palestinian Authority ('PA'), nominated Yasser Arafat to be the president of the PA and authorized him to select its members. The PA was made accountable to the PLO Executive Committee.

⁷⁰ The Palestine YBIL., Vol. 7 (1992/1994), p. 230.

⁷¹ *Ibid.*, p. 232.

⁷² *Ibid.*, p. 243.

⁷³ The Palestine YBIL., Vol. 8 (1994/1995), p. 315.

⁷⁴ *Ibid.*, p. 341.

⁷⁵ *Ibid.*, p. 353.

⁷⁶ The Palestine YBIL., Vol. 9 (1996/1997), p. 437.

⁷⁷ The Palestine YBIL., Vol. 11 (2000/2001), p. 339.

119. The PA was structured like any council of ministers, with each member to carry one portfolio. The Palestinian security forces that were established were kept under the command of Mr. Arafat. The PA remains responsible for the negotiations with the State of Israel, but its ultimate authority is the PLO.

120. On 20 January 1996, a general election was held and the Palestinians in the OPT elected, Mr. Yasser Arafat as the president, and elected their first legislative body, the Palestinian Legislative Council (the 'PLC').⁷⁹ Palestinians living in East Jerusalem participated in these elections and elected seven members to the Council.⁸⁰ The PLC consists of 88 representatives. This body is still functioning in the Occupied Palestinian Territory despite the expiration of its term on 4 May 1999. Under the prevailing coercive situation in the Occupied Palestinian Territory, further elections have not yet been possible.

⁷⁸ *Ibid.*, p. 343.

⁷⁹ This arrangement was expressed in article IV of the Interim Agreement of 1995.

⁸⁰ *Ibid.*, Article II (3).